

REMARKS

Claims 1 and 3-26 were pending in the above-identified application when last examined. Claims 17-20 stand allowed, and claims 7 and 24 are objected to. Claims 1, 3-6, 8-16, 21-23, 25 and 26 stand rejected and the rejection was made final. Pursuant to 37 C.F.R. § 1.116(b)(1), Applicant requests entry of the above-amendment to cancel rejected claims 1, 6, and 21-23 and amend objected to claims 7 and 24 to comply with a requirement of form expressly set forth in the Final Office Action. Pursuant to 37 C.F.R. § 1.116(b)(2), Applicant also requests entry of the amendment of claims 3, 5, 8, 9, 12, 14, 16, 25, and 26, so that all remaining claims in the Application will depend from claims previously indicated allowable.

Claims 21-25 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 21-23 are canceled. Claim 24 is amended as suggested by the Examiner to recite “a computer readable medium,” which the “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” indicates is statutory subject matter. Claim 25 is amended to depend from claim 24 and is therefore also believed to claim statutory subject matter. In view of the above amendments, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 101.

Claims 1, 3, 4, 8, and 21-23 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 6,115,687 (Tanaka). Claims 1 and 21-23 are canceled. In view of the above amendment, claims 3, 4, and 8 now depend from objected-to claim 7, which is patentable for the reasons set forth below. Accordingly, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102.

Claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over Tanaka in view of U.S. Pat. No. 5,920,840 (Satyamurti). Claim 5 is being amended to depend from objected-to claim 7 and is therefore patentable for at least the same reasons that claim 7 is patentable. Accordingly, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. § 103.

Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Tanaka in view of “High Quality Time-Scale Modification for Speech” (Roucos). Claim 6 is canceled.

THE PATENT LAW OFFICES
OF DAVID MILLERS
6560 ASHFIELD COURT
SAN JOSE, CA 95120
PH: (408) 927-6700
FX: (408) 927-6701

Claims 9-12 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tanaka in view of U.S. Pat. No. 5,828,994 (Covell). In view of the requested amendments, claims 9-12 now depend from objected-to claim 7, and claim 25 now depends from objected-to claim 24. Claims 9-12 and 25 are therefore patentable for at least the same reasons as their respective base claim 7 and 24 as set forth below. Accordingly, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. § 103.

Claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Tanaka in view of Covell and further in view of Applicant's admitted prior art. In view of the above amendment, claim 13 now depends from objected-to claim 7 and is therefore patentable for at least the same reasons that claim 7 is patentable. Accordingly, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. § 103.

Claims 14-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tanaka in view of Applicant's admitted prior art. In view of the requested amendments, claims 14-16 now depend from objected-to claim 7 and are therefore patentable for at least the same reasons set forth below to show claim 7 is patentable. Accordingly, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. § 103.

Claims 7 and 24 were objected to as dependent upon a rejected claim but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the rejection under 35 U.S.C. § 101. As noted above, the above amendment overcomes the rejection of claim 24 under 35 U.S.C. § 101. In addition, each of claims 7 and 24 is amended to independent form including the limitations of its base claim and any intervening claims. Accordingly, Applicant requests reconsideration and withdrawal of the objection to claims 7 and 24.

In summary, Applicant requests entry of the above amendment after the final rejection to comply with requirements of form set forth in the Final Office Action and to cancel and amend claims so that all remaining claims are in forms previously indicated allowable or are dependent from claims previously indicated allowable. For the above reasons, Applicant respectfully requests withdrawal of the final rejection and allowance of the application

THE PATENT LAW OFFICES
OF DAVID MILLERS
6560 ASHFIELD COURT
SAN JOSE, CA 95120
PH: (408) 927-6700
FX: (408) 927-6701

including claims 3-5, 7-20, and 24-26 as amended above. Please contact the undersigned attorney at (408) 927-6700 if there are any questions concerning the application or this document.

EXPRESS MAIL LABEL NO:

EQ 791 285 471 US

Respectfully submitted,



David Millers
Reg. No. 37,396

THE PATENT LAW OFFICES
OF DAVID MILLERS
6560 ASHFIELD COURT
SAN JOSE, CA 95120
PH: (408) 927-6700
FX: (408) 927-6701